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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,319	02/22/2006	Alexandros Tourapis	PU040213	5710

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Robert D. Shedd, Patent Operations
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EXAMINER
BAYARD, EMMANUEL

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
09/10/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 July 2010</u>.

2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail. Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This is in response to amendment filed on 7/1/10 in which claims 1-22 are pending. The applicant's amendments have been fully considered but they are moot based on the new ground of rejection.

Claim Rejections - 35 USC § 101

Claims 1-8, 14 and 19-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.   Claims 1, 14 and 19 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent[1] and recent Federal Circuit decisions[2] indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim recites a series of steps or acts to be performed, the claim neither transforms underlying subject matter nor is positively tied to another statutory category that accomplishes the claimed method steps, and therefore does not qualify as a statutory process. For example the video **decoder** method including steps of combining is of sufficient breadth that it would be reasonably interpreted as a series of steps completely performed mentally, verbally or without a machine. **The Applicant has provided no explicit and deliberate definitions of "combining" to limit the steps to the electronic form of the" decoder," and the claim language itself is sufficiently broad to read on about**

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[1] *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).
[2] *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

§101, mentally stepping through the §101 analysis, recalling *In re Bilski,* and

telling the person who had the question his or her opinion.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-12 and 14-22 are rejected under 35 U.S.C. 102(e) as being anticipated

by Alvarez U.S. Patent No 6,898,243 B1.

As per claims 1, 9, 14-15, 19 Alvarez teaches in a video decoder, a method, for

decoding a hybrid intra-inter encoded block comprising: combining (see figs.3a , 3c

element 303 and fig.4, 8b element 403 and col.6, lines 39-40 and col.7, lines 28-30 and

col.9, lines 17-25) a first intra fames unit with a second inter frames unit is the same as

the claimed a first prediction of a current block with a second prediction of a current

block and wherein the first prediction of the current block is intra prediction and the

second prediction of the current block is inter prediction (see fig.4 element 401 and 402

and col.7, lines 23-26).

As per claim 2, Alvarez inherently teaches , wherein decoding the block includes

combining the first prediction and the second prediction and a third prediction of the

current block (see fig.4).

As per claim 3, Alvarez inherently teaches further comprising reducing the filter strength of a deblocking filter adapted to increase the correlation between pixels adjacent to the current block (see abstract).

As per claims 4, 22 Alvarez inherently teach wherein the first prediction and the second prediction are combined by averaging the first prediction and the second prediction (see col.8, lines 26-31).

As per claims 5, 18 and 21 Alvarez inherently teaches, wherein the first prediction and the second prediction are combined by weighting each of the first prediction and the second prediction (see fig.8 and col.8, lines 26-31]).

As per claim 6, Alvarez inherently teaches wherein the current block is a 16 x 16 macroblock (see fig.2 element 42).

As per claim 7, Alvarez inherently teaches, wherein the current block is a sub-macroblock (see fig.8 col.8, lines 26-31).

As per claim 8, Alvarez inherently teaches wherein the current block is a 4 x 4sub- macroblock partition (see fig.8 and col.8, lines 26-31).

As per claim 10, Alvarez inherently teaches, wherein the combining unit is adapted to combine the first intra prediction and the first inter prediction as to calculated the average of the predicted image A and B (see fig.8 and col.8, lines 26-31).

As per claim 11, Alvarez inherently teaches, wherein the hybrid intra-inter coded block is the average of the first intra prediction and the first inter prediction as to calculated the average of the predicted image A and B (see fig.8 and col.8, lines 26-31).

As per claim 12, Alvarez inherently teaches television comprising a video decoder as claimed in Claim 9 (see fig.1 element 133 and col.1, lines 34-35).

1.   As per claim 13, Alvarez inherently teaches a video decoder adapted to decode a bitstream including bi-predictive intra-inter encoded blocks (see fig.1 element 133 and col.1, lines 34-35).

As per claim 16, Alvarez inherently teaches wherein the combining unit is a summing block as to calculate an absolute differential sum of both predicted images A and B (see fig.8 element 824 and col.8, lines 26-31).

As per claim 17, Alvarez inherently teaches wherein the combining unit combines the first intra prediction and the first inter prediction by average the two predictions as to calculate an absolute differential sum of both predicted images A and B (see fig.8 element 824 and col.8, lines 26-31).

As per claim 20, Alvarez inherently teaches wherein the step of combining is accomplished using a summing block as to calculate an absolute differential sum of both predicted images A and B (see fig.8 element 824 and col.8, lines 26-31).

Conclusion

2.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

3.   Nonaka et al U.S. Pub No 20040160645.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is 571 272

3016. The examiner can normally be reached on Monday-Friday (7:Am-4:30PM)

Alternate Friday off.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chieh Fan can be reached on 571 272 3042. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

     Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/10/2010   Emmanuel Bayard
                                                  Primary Examiner
                                                  Art Unit 2611

/Emmanuel Bayard/
Primary Examiner, Art Unit 2611